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General Motors LLC

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAKOTAH MASSIE and NEIL MANGLANI,
individually and by and on behalf of all others
similarly situated.

Plaintiffs.

V.

GENERAL MOTORS LLC and DECIBEL
JNSIGHT, INC..

Defendants.

Case No. 1:20-cv-01560-JLT

**STIPULATION AND [PROPOSED]
ORDER TO SET A SCHEDULE FOR
DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

(Doc. 27)

1 Pursuant to Local Rules 143 and 144, Plaintiffs Dakotah Massie and Neil Manglani
2 (“Plaintiffs”) and Defendants General Motors LLC (“GM”) and Decibel Insight, Inc. (“Decibel”)
3 (collectively, the “Parties”), by and through their respective counsel, respectfully request that the
4 Court approve the Parties’ stipulation to set a deadline for Defendants to file motions to dismiss
5 the First Amended Complaint, ECF No. 25 (filed February 26, 2021), for lack of personal
6 jurisdiction or, in the alternative, to transfer the case to a more convenient forum (“the renewed
7 Jurisdictional Motions”) to Monday, April 12, so that Defendants may have sufficient time to
8 review the amended claims.

9 WHEREAS, Plaintiffs filed the Complaint on November 4, 2020, ECF No. 1, alleging
10 violations of the California Invasion of Privacy Act, Cal. Penal Code §§ 631 and 635, and
11 invasion of privacy under California’s Constitution;

12 WHEREAS, on January 12, 2021, Plaintiffs served Defendants with merits-based
13 Requests for Production under Fed. R. Civ. P. 34 and Interrogatories under Fed. R. Civ. P. 30;

14 WHEREAS, this Court on January 20, 2021, granted a stipulation that (i) permitted
15 Plaintiffs to file a Corrected Complaint without using their amendment as of right, (ii) set
16 Defendants’ deadline to file motions to dismiss the operative complaint for lack of personal
17 jurisdiction or, in the alternative, transfer (the “Jurisdictional Motions”) at February 1, 2021, (iii)
18 stayed Defendants’ deadline to answer or otherwise respond to the operative complaint pending
19 resolution of the Defendants’ Jurisdictional Motions, (iv) stayed Defendants’ responses to
20 Plaintiffs’ merits-based discovery and the service of initial disclosure pending the resolution of
21 Defendants’ Jurisdictional Motions, and (v) continued the initial scheduling conference to April
22 30, 2021, ECF No. 11;

23 WHEREAS, on January 21, 2021, Plaintiffs filed a Corrected Complaint naming General
24 Motors LLC as a Defendant and removing General Motors Company as a Defendant, ECF No.
25 12;

26 WHEREAS, this Court on February 1, 2021 granted the Parties’ stipulation extending
27

1 Defendants' deadline to file their Jurisdictional Motions to February 16, 2021, ECF No. 15;

2 WHEREAS, Defendants filed their Jurisdictional Motions, seeking dismissal of the
3 Corrected Complaint for lack of personal jurisdiction or, alternatively, transfer of venue, on
4 February 16, ECF Nos. 16, 19;

5 WHEREAS, Plaintiffs on February 26, 2021 filed a First Amended Complaint ("FAC")
6 containing new jurisdictional and factual allegations, and asserting an additional claim against
7 Decibel under the Federal Wiretap Act, 18 U.S.C. § 2512, ECF No. 25;

8 WHEREAS, the Parties understand that the FAC supersedes the Corrected Complaint,
9 thereby rendering Defendants' Jurisdictional Motions moot, *see* Minute Order, ECF No. 26
10 (March 3, 2021);

11 WHEREAS, Defendants intend to file motions to dismiss the FAC for lack of personal
12 jurisdiction or, in the alternative, to transfer the case to a more convenient forum (the "renewed
13 Jurisdictional Motions");

14 WHEREAS, Defendants also intend to file motions to dismiss the FAC for failure to state
15 a claim under Fed. R. Civ. P. 12(b)(6);

16 WHEREAS, Defendants continue to reserve their rights to seek an additional stay of
17 discovery pending resolution of the 12(b)(6) Motions;

18 WHEREAS, due to obligations in other matters and to give them sufficient time to
19 review the amended allegations, Defendants have requested, and Plaintiffs have agreed to
20 provide, 45 days for Defendants to file their renewed Jurisdictional Motions;

21 WHEREAS, this is the first extension of a briefing schedule related to Plaintiffs' FAC
22 and it is not being sought for delay or any other improper purpose;

23 WHEREAS, continuing the Initial Scheduling Conference until after Defendants'
24 motions can be heard would further promote efficiency and conserve judicial and party
25 resources, as the issues to be discussed at that conference—including the proposed case
26 schedule, contested issues, and discovery procedures—will be affected or mooted by the Court's
27 resolutions of those motions;

1 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE as follows:

- 2 1. Defendants shall file their renewed Jurisdictional Motions on or before **April 12,**
3 **2021.**
- 4 2. Plaintiffs shall file their opposition or statement of non-opposition by **May 3,**
5 **2021;**
- 6 3. Defendants shall file their replies, if any, by **May 17, 2021;**
- 7 4. Defendants' deadline to answer or otherwise respond on the merits to the FAC
8 (including any motion under Fed. R. Civ. P. 12(b)(6)), Defendants' responses to Plaintiffs'
9 merits-based discovery served January 12, 2021, and the Parties' service of initial disclosures
10 remain stayed pending the resolution of Defendants' renewed Jurisdictional Motions, as
11 previously ordered by this Court (ECF No. 11);
- 12 5. Hearings on Defendants' Jurisdictional Motions will be set for **May 25, 2021**, or
13 as soon thereafter as is convenient for the Court;
- 14 6. Notwithstanding the foregoing, after the resolution of the Jurisdictional Motions,
15 Defendants may move for an additional stay of discovery pending resolution of the 12(b)(6)
16 Motions, which Plaintiffs may oppose;
- 17 7. The Initial Scheduling Conference shall be continued to **June 25, 2021**, at 8:30
18 a.m., or as soon thereafter as is convenient for the Court, with the Parties' Joint Scheduling
19 Report to be filed 7 days before the scheduling conference.

20 The Parties respectfully request that this Stipulation be granted by signing the
21 accompanying proposed order.

22 Dated: March 9, 2021 MAYER BROWN LLP
23

24 By: /s/ John Nadolenco
John Nadolenco
25 *Attorneys for Defendant*
General Motors LLC

26 Dated: March 9, 2021 GREENBERG TRAURIG, LLP
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18 Dated: March 9, 2021

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[PROPOSED] ORDER

The Court, having considered the stipulation between Plaintiffs Dakota Massie and Neil Mangani (“Plaintiffs”) and Defendants General Motors LLC and Decibel Insight, Inc. (“Defendants”), and for good cause shown, HEREBY ORDERS that:

1. Defendants shall file their motions to dismiss for lack of personal jurisdiction or, in the alternative, to transfer (“Jurisdictional Motions”) in response to Plaintiffs’ First Amended Complaint on or before **April 12, 2021**. Plaintiffs’ opposition or statement of non-opposition shall be filed no later than **May 3, 2021**. Defendants’ replies, if any, shall be filed no later than **May 17, 2021**. The hearing on Defendants’ Jurisdictional Motions is set for **May 25, 2021**.

2. Defendants' deadline to answer or otherwise respond on the merits to the FAC (including any motion under Fed. R. Civ. P. 12(b)(6)), Defendants' responses to Plaintiffs' merits-based discovery served January 12, 2021, and the Parties' service of initial disclosures each remain stayed pending the resolution of Defendants' renewed Jurisdictional Motions, as previously ordered by this Court (Dkt. 11);

5. The scheduling conference is continued to **June 25, 2021**, at 8:30 a.m., with the Parties' Joint Scheduling Report to be filed no later than **June 18, 2021**.

IT IS SO ORDERED.

Dated: **March 9, 2021**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE